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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

MONBLEAU, DAVIENNE N

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 10/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/661,653

Applicant(s)

AULT, EARL R

Examiner

Davienne Monbleau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.



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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 12 July 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

The corrected or substitute drawings were received on 7/12/02. These drawings are accepted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, to the extent taught and understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kocher et al. (U.S. Patent No. 5,307,358) in view of Scheps (U.S. Patent No. 5,307,358). Regarding Claim 1, Kocher et al. teach in Figure 1 a cell for use in a circulating liquid laser comprising a laser chamber/cell (12), a pumping device (22) and a liquid active material. Other types of optical pumping sources, such as laser diodes and semiconductor lasers are standard in the art. Kocher et al. do not teach trivalent titanium ions dissolved in a liquid host. Scheps teaches in Figure 2 a laser system comprising a gain medium (11) doped with trivalent titanium ions and further teaches in column 12 lines 2-5 that said gain medium may be a liquid. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the trivalent titanium ions dissolved in a liquid host in Kocher et al., as taught by Scheps, to produce a laser output with a specific wavelength. It is known in the art that the wavelength range over which the laser system operates is determined by the dopant/dopants used in the laser gain medium. (See Scheps column 5 line 66-68).

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Regarding Claim 2, Kocher et al. teach a circulation system.

Regarding Claim 3, Kocher et al. teach a closed loop circulation system comprising a pump (24) and a heat exchanger (26).

Regarding Claims 4 and 5, Kocher et al. teach in columns 1-3 that said circulation system prevents the optical distortion from thermal effects. Furthermore the Applicant states in the specification on page 16 lines 1-7 that these features for reducing the thermal effect are known in the art.

Regarding Claim 6-8, the method of a device is not germane to the issue of patentability of the device itself, since the device itself obviously uses the method. Therefore the rejection used on the device in Claims 1, 4 and 5, respectively, applies also to the method of the device.

Regarding Claim 9, Kocher et al. teach in Figure 1 a liquid laser device comprising an optical cavity (10), a pumping device (22), a lasing liquid, and a circulation system with a circulation pump (24) and a heat exchanger (26). Other types of optical pumping sources, such as laser diodes and semiconductor lasers are standard in the art and may be inside the optical cavity. Kocher et al. do not teach trivalent titanium ions dissolved in a liquid host. Scheps teaches in Figure 2 a laser system comprising a gain medium (11) doped with trivalent titanium ions and further teaches in column 12 lines 2-5 that said gain medium may be a liquid. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the trivalent titanium ions dissolved in a liquid host in Kocher et al., as taught by Scheps, to produce a laser output with a specific wavelength. It is known in the art that the wavelength range over which the laser system operates is determined by the dopant/dopants used in the laser gain medium. (See Scheps column 5 line 66-68).

Response to Arguments

Applicant's arguments filed 7/12/02 have been fully considered but they are not persuasive. The Applicant argues the following:

- A. The Scheps reference does not show "ions dissolved in a liquid".
- B. There is no teaching, suggestion, or motivation within the references to combine the Kocher system and the Scheps system.

Regarding argument A, Scheps teaches in Figure 2 a laser system comprising a gain medium (11) doped with trivalent titanium ions. In column 9 lines 7-20, Scheps further teaches that in general gain mediums are doped materials (meaning there is a host material), that the gain material (host) may be a liquid, and that for liquids, there is solute which acts similar to a dopant, dissolved in a solvent. This satisfies the language of Claim 1.

Regarding argument B, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the trivalent titanium ions dissolved in a liquid host in Kocher et al., as taught by Scheps, to produce a laser output with a specific wavelength. It is known in the art that the wavelength range over which the laser system operates is determined by the dopant/dopants used in the laser gain medium. (See Scheps column 5 line 66-68).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davienne Monbleau whose telephone number is 703-306-5803. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on 703-308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Davienne Monbleau

DNM
October 17, 2002

Paul Ip
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